

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**CRIMINAL MINUTES**

**Date:** November 7, 2007

**JUDGE:** Phyllis J. Hamilton

**Case No:** CR-07-0473 PJH

**Case Name:** UNITED STATES v. DONALD CLYBURN (Present)

**Attorney for Plaintiff:** Owen Martikan

**Attorney for Defendant:** Steven Gruel

**Deputy Clerk:** Nichole Heuerman

**Court Reporter:** Jim Yeomans

**PROCEEDINGS**

Trial/Motion Setting-Held. Defense counsel informs the court that he plans to file a discovery motion. Defense counsel's request to have the matter referred to Magistrate Judge Spero to conduct a settlement conference is denied by the court. The government will not consent to a Magistrate Judge conducting a settlement conference at this time. The court informs the parties that both sides will need to consent in order for the court to make the referral. The court sets an expedited briefing schedule for defendant's motion. Defense counsel to file motion by 11/28/07; opposition to be filed by 12/5/07; reply to be filed by 12/12/07 with a hearing date to be noticed for 12/19/07 at 2:30 p.m.

The speedy trial deadline is 1/16/08. The court sets a tentative Jury Trial date of 1/14/08 at 8:30 a.m. No pretrial conference will be set at this time. If the motion is filed then the speedy trial clock will be tolled and the trial date will be continued by the court. If no motion is filed the jury trial will go forward on 1/16/08.

**CASE CONTINUED TO:** December 19, 2007 at 2:30 p.m. for Defendant's Motion.  
January 14, 2008 at 8:30 a.m. for Jury Trial.

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**EXCLUDABLE DELAY:** Category Begins Ends

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**cc:** chambers